

### REMARKS/ARGUMENTS

Applicant has reviewed and considered the claim rejections under 35 U.S.C. § 102 based on the Humm patent and has amended claim 1 to include tear-shaped portholes on the inner and outer tubes. As described in the specification, these tear-shaped portholes are a necessary feature of the invention as the tear-shapes impart a spin on the paintball for better shooting accuracy.

In addition, because Applicant has amended claim 1, the obviousness objection raised by the examiner in light of the Humm patent should now be moot.

In view of the above amendments and remarks, Applicant believes the examiner will now find this patent application in a position for allowance and its expeditious passage to same is requested.

Should the examiner disagree or have any questions, comments or suggestions that will render this application allowable, a call to the undersigned attorney of record is invited.

Respectfully submitted,  
Dan E. Williams, Applicant


By: 

Edward M. Livingston, Esq.  
Edward M. Livingston, P.A.  
963 Trail Terrace Drive  
Naples, FL 34103  
(239) 262-8502

Attorney for Applicant  
Reg. No. 28,523

### CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I HEREBY CERTIFY that the above Response and Amendment is being deposited with the United States Postal Service by first class mail on the 10<sup>th</sup> day of June, 2004, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Legal Assistant